



GOVERNMENT OF KERALA

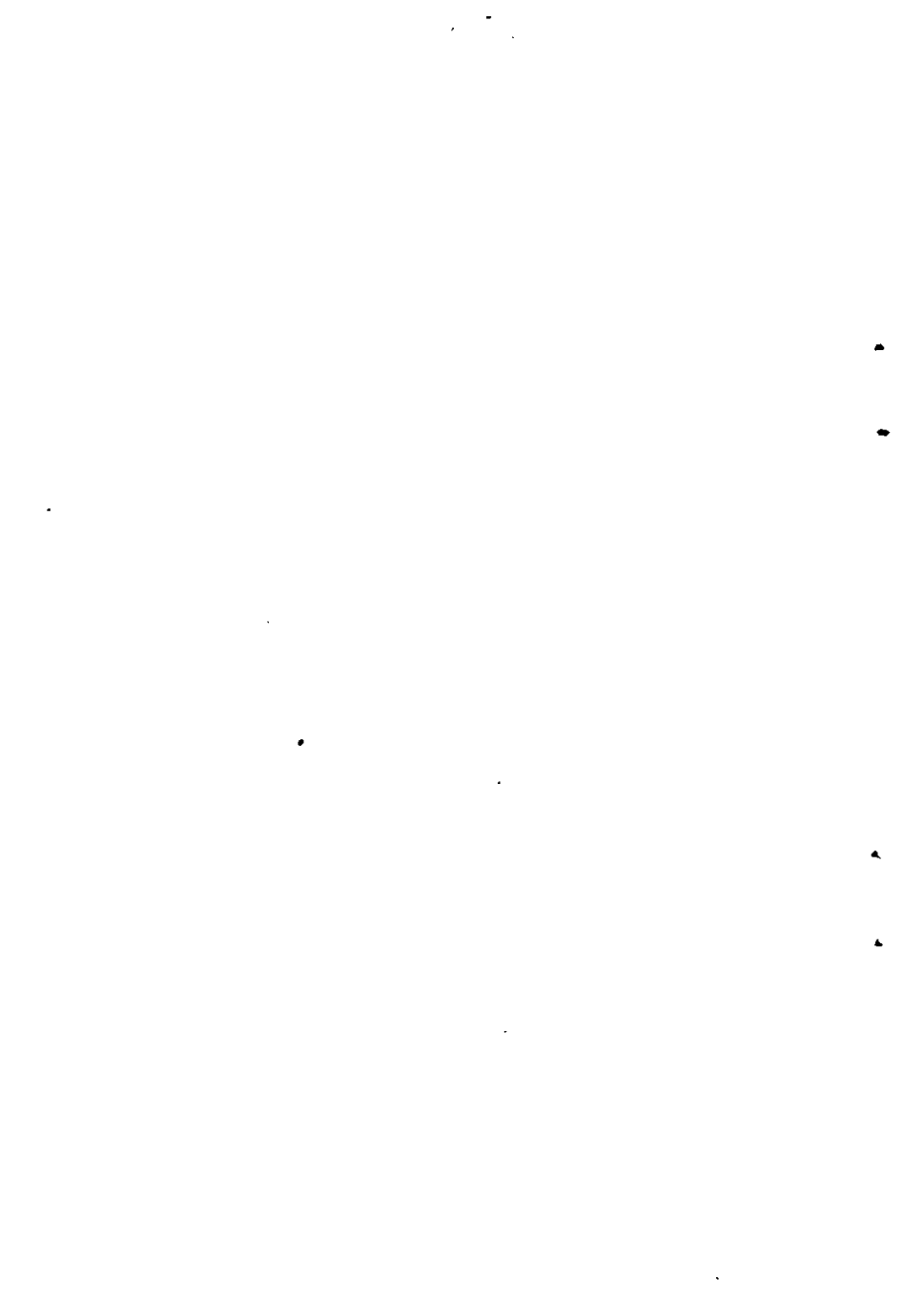
Social Justice (C) Department

NOTIFICATION

G. O. (P) No. 10/2016/SJD.

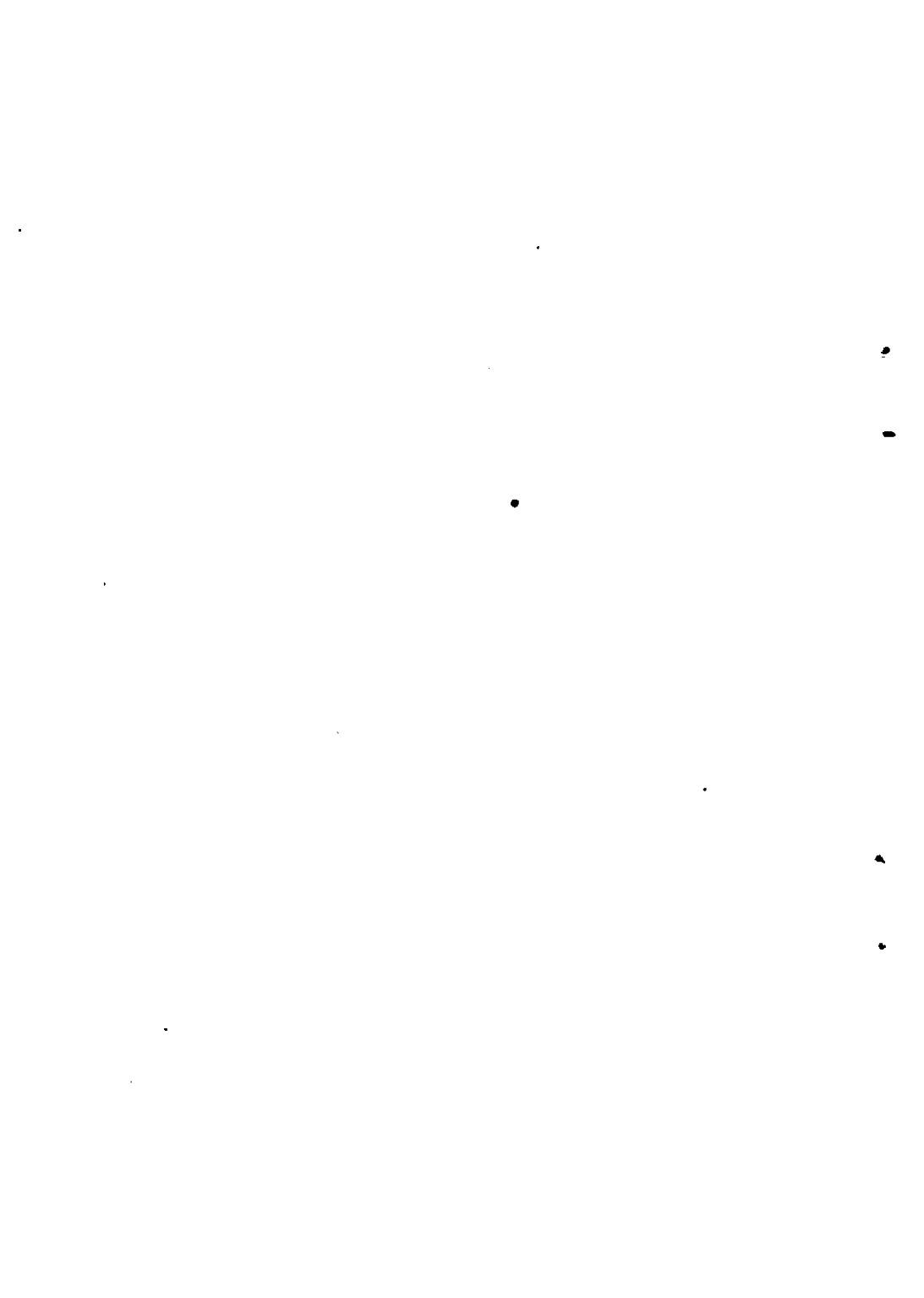
Dated, Thiruvananthapuram, 20th August, 2016.

In exercise of the powers conferred by sub-rule (2) of Rule 18 of Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 issued under G. O. (P) No. 38/2009/SWD dated 28-8-2009 the State Government hereby issues the following Guidelines for running Homes for senior citizens and the protection of life and property of senior citizens housed in various senior citizens' homes in the State of Kerala, namely:—



CONTENTS

	<i>Page No.</i>
1. Chapter I Preliminary	5
2. Chapter II Registration of Care Homes for Senior Citizens	9
3. Chapter III Admission and Discharge	16
4. Chapter IV Physical Environment and Accommodation	21
5. Chapter V Services	25
6. Chapter VI Protection of Rights	35
7. Chapter VII Protection of Life and Property	39
8. Chapter VIII Additions relating to Pay Homes	41
9. Chapter IX Inspection, Record keeping and monitoring	43
10. Specimen of various formats	
Form I Application for permission to establish care home for senior citizens	47
Form II Certificate of permission to start care home for senior citizens	52
Form III Application for registration of care home for senior citizens	53
Form IV Certificate of registration for care homes for senior citizens	58
Form V Order of refusal of application for permission to start a care home of senior citizens	60



CHAPTER I
PRELIMINARY

1. Introduction

A large number of elderly persons, particularly Widowed women are not being looked after by their families. Declining of joint family system is one of the reasons for the same. To combat this social challenges Government of India enacted a new legislation called Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The said law cast an obligation on the persons who inherit the property of their aged relatives to maintain them and to make provisions for setting up of Old Age Homes providing maintenance to the indigent older persons and to provide better medical facilities to the Senior Citizens and to make provisions for the protection of their life and property. The sub-section (2) of Section 22 provided that the Government shall prescribe a comprehensive plan of action for ensuring protection of life and property of senior citizens. The Section 32 of the Act has empowered the State Governments to make rules to carry out the purposes of the Act and sub-section (2) (f) to make an action plan for providing protection of their life and property. Again sub-section (2) of, Section of the Act empowers the State Government to prescribe a scheme for management of Old Age Homes including standards and various types of services to be provided by them. Subsequently, sub-rule (2) of rule 18 Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 has empowered State Governments to issue detailed guidelines/orders from time to time for admission into and management of Old Age Homes.

(2) The State Policy for Senior Citizens-2013 declared by the Government of Kerala vide G. O. (Ms.) 37/2013/SJD dated 6-5-2013 envisaged various measures for care and protection of senior citizens, including establishment of Old Age Homes both at NGO and public sectors, on charity as well as payment basis. Para VI (10) of the Policy sets forth among other things that, Government shall prescribe the basic standards required for such Homes.

(3) The Legislature Committee for Senior Citizens 2014-16 in their 4th report submitted to Government on 2nd July, 2014 has recommended to take suitable measures for welfare and security of the senior citizens housed in various institutions run by Government and NGOs, irrespective of whether registered under any authority or not. The Report has also required to register the unregistered ones before the appropriate authority.

(4) These guidelines are therefore intended to provide for the protection of life and property of senior citizens living in various care homes for senior citizens in the state either on charity or on payment basis, ensuring certain minimum standards for the existing care homes and also for those which may be established in future.

2. Objectives

The objectives of these guidelines are to achieve these goals, namely:—

(i) To institute a mechanism for registration and regulation of all care homes for senior citizens in the state.

(ii) To fix the eligibility criteria for Non Governmental Organizations to run care homes for the senior citizens, either on paying or non paying basis.

(iii) To ensure certain minimum standards in terms of facilities and quality of service in all care homes for senior citizens in the State.

(iv) To protect the life, property and other rights of the service using senior citizens in the various care homes.

(v) To monitor and evaluate the activities and services of the institutions/agencies running care homes for senior citizens.

3. Definitions

(a) *Accredited NGO*

The term 'accredited NGO' appearing henceforth shall mean, a Non Governmental Organization having accreditation under the State NGO Policy.

(b) *Charitable Home*

A 'charitable home' is to mean a care home for housing senior citizens where the service user is not liable to pay for the stay or services and that the home is run purely on charity principles.

(c) *Competent authority*

Competent authority under these guidelines refers to the Orphanage Control Board or any other authority that the Government may fix from time to time.

(d) *Indigent person*

The term 'indigent person' appearing in these guidelines refers to a senior citizen who is not having sufficient means as may be determined by Government from time to time to maintain himself, as is explained under section 19 (2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

(e) *Infirm person*

An 'infirm person' means a person who is physically weak and or multiple disabled, and unable to maintain himself though not attained the age of sixty years.

(f) *Pay Home*

A 'pay home' means a care home for housing senior citizens where the service user has to pay for the stay and services at such rates fixed by the governing body of the organization/agency running the home within such rates and terms mutually agreed upon.

(g) *Service provider*

'Service provider' means any organization or anybody else authorized to run a Care Home or their successors inherited the authority or right to run the Home by succession rights, either on charity or on payment basis.

(h) *Service User*

The term 'service user' refers to any person who is admitted in to a care home to avail any of its services, including any person who has entered into a contract with the service provider to avail services for himself or for any other person on behalf of him.

4. Eligibility to run a Care Home for Senior Citizens

The following authorities/agencies/organizations may run care home for senior citizens adhering to the stipulations laid down in these guidelines:—

(a) Government Departments, Boards, Corporations, Autonomous Bodies or Public Sector Undertakings may run care homes for senior citizens by themselves or in association with accredited Non Governmental Organizations, on charity basis.

(i) they may give priority to make use of their Corporate Social Responsibility (CSR) fund or such other funds if any, to start and run care home for senior citizens.

(b) Local bodies may run such homes in association with accredited Non Governmental Organizations on charity basis.

(i) they may make use of the obligatory plan allocation intended for senior citizens, differently abled and children sector to start and maintain care home for senior citizens.

(c) Other credible organizations including charitable trusts, corporate bodies, trade unions, service organizations, pensioners' organizations etc. may run such homes either on charity or on payment basis.

5. Eligibility criteria

Eligibility criteria for collaborating NGOs, accredited organizations, charitable trusts, other bodies etc. to run care home for senior citizens shall be such as the following:—

(i) The organization shall have a valid registration under the Indian Societies Registration Act, 1860, or Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, or section 25 of the Indian Companies Act, 1956, or Indian Trusts Act, 1882, Charitable Trust Act, 1965 or Religious Trust Act or any other relevant Act in force and applicable to the State of Kerala.

(ii) The organization shall have minimum one year's experience in the activities relating to senior citizens.

(iii) The organization shall have sound financial stability.

(iv) The office-bearers shall have good social status, reputation and public acceptance.

(v) The organization shall have transparency in its activities and transactions, and have published annual reports, audited account statements, names of elected members etc., and shall be available for the general public in print and electronic mode.

(vi) The organization shall have its own approved policies for recruitment and procurement.

(vii) The organization/agency shall have valid TAN number under the Income Tax rules.

CHAPTER II

REGISTRATION OF CARE HOMES OF SENIOR CITIZENS

6. Scope

(1) All institutions by whatever name called, meant for housing senior citizens, either on charity or on payment basis shall be registered before the competent authority.

(2) The State run institutions are also governed by these guidelines and hence liable to achieve the standards prescribed and obtain registration.

7. Starting of new care homes for Senior Citizens

(1) Those agencies/organizations who intend to establish care home for senior citizens after commencement of these guidelines shall apply to the competent authority for a Certificate of Permission through the District Social Justice Officer of the district where the home is to situate, in Form No. I appended. The District Social Justice Officer within the time limit prescribed in para 13 shall make such enquiries he finds necessary and submit recommendation to the competent authority either to grant certificate of permission or to decline the request based on the findings of enquiry.

(2) The competent authority after considering the report of the District Social Justice Officer if satisfied on the report to the extent that the infrastructural facilities are adequate, the applicant is suitable to run a care home for senior citizens and that the applicant is able to comply with the relevant rules, orders or guidelines by the time the home starts functioning, shall issue a Certificate of Permission to start a care home for senior citizens in Form No. II within the time limit prescribed in para 13.

(3) If the competent authority is not satisfied with the report of the District Social Justice Officer mentioned in sub para (1) above, it may institute further enquiry and dispose the applications as per these guidelines.

8. Operationalization of Homes granted Certificate of Permission

(1) Every agency/organization that has availed a certificate of permission to start a new care home for senior citizens shall make the Home functional within a period of three months from the date of issue of certificate and report the matter to the Competent Authority and the District Social Justice Officer in writing.

(2) The agency/organization holding the certificate of permission, within a period of three months from the date of starting the home shall request to the competent authority through the District Social Justice Officer for registration of the Home after having completely fulfilled all the requirements laid down in these guidelines and elsewhere.

(3) The validity of a certificate of permission shall be six months from the date of issue.

9. Cancellation of Certificate of Permission

If the applicant fails to make the home functional before the expiry of validity, the Certificate of Permission shall be treated as revoked and cancelled automatically, and no extension of validity admissible.

10. Procedure for Registration

(1) Those institutions which are existing at the time of commencement of these guidelines, or those which started functioning after the commencement of these guidelines and are still functioning but not registered, irrespective of whether pay home or charitable home, shall achieve the standards prescribed herein and apply for registration within a period of six months from the date of commencement of these guidelines. No care home for senior citizens without the certificate of registration shall exist beyond that date.

(2) Application for registration shall be made to the competent authority through the District Social Justice Officer in Form No. III appended to these guidelines accompanied by such documents required therein.

(3) The Certificate of Registration shall be exhibited in the institution.

11. Grant of Certificate of Registration

The competent authority may issue a certificate of registration to the applicant in Form No. IV, if found eligible, specifying whether it is to exist as a Pay Home or Charitable Home, and the maximum number of service users permitted to be accommodated at a time. This certificate shall be valid for a period of four years from the date of issue unless revoked by competent authority for any reason.

12. Enquiries relating to Registration

All registration related enquiries shall be conducted by the concerned District Social Justice Officers and the grant or decline of the certificate of registration/permission shall be based on his enquiry report, generally. The competent authority, if found necessary may conduct further enquiry by himself or any other authority under him before finally resolving upon any application.

13. Time limit for disposal of various Applications

(1) All applications for permission to establish care home, registration of care home, and renewal of registration of care home shall be disposed within a maximum period of three months from the date of filing

application. District Social Justice Officers after completing required procedures shall submit recommendation to the competent authority within one month of receipt of application, and the competent authority after completing required procedures at its end shall dispose finally within the next two months.

(2) Neither the certificate of permission to establish a care home nor the certificate of registration is transferable or heritable.

14. Ineligible Cases

(1) If on enquiry the applicant is found ineligible for the certificate of registration, the competent authority shall inform the applicant the grounds of disqualification in writing, and give a chance for filing his explanation. The competent authority shall conduct all inspection by himself or by any authority under him which is superior to the authority that made the earlier inspection, after giving one month's notice. Further, the applicant may also be given a chance to be heard, if he so desires.

(2) If the competent authority on inspection as per para 14 (1) finds that the applicant has achieved the standards shall issue a certificate of registration to the applicant.

(3) If even on the inspection as per para 14 (1) also the competent authority finds that the applicant does not deserve a certificate of registration, the competent authority may refuse to grant the certificate after recording the reasons for such refusal. The order refusing the certificate shall be in Form No.V and it shall be communicated to the applicant by registered post with Acknowledgement Due, or by hand under acknowledgement, or by e-mail. The applicant may file an appeal against such order of the competent authority to government, within thirty days from the date of receipt of the order of refusal.

15. Renewal of Registration

The application for renewal of a certificate of registration shall be made ninety days before the expiry of the date of validity in Form No.III to the competent authority through the District Social Justice Officer.

16. Procedure for renewal of registration

Procedure for the renewal of the certificate of registration shall be the same as in the case of a application for registration.

17. Revocation of certificate of registration

The competent authority may revoke a certificate of registration granted, if on inspection he finds that the home does not meet any or whole of the standards prescribed, or it habitually violates any of the standards or procedures laid down in these guidelines or any other rules, regulations, orders or instructions issued by Government from time to time:

Provided that no such revocation shall be made until an opportunity of being heard to the holder of the certificate as to why the certificate should not be revoked.

18. Appeal against an order of revocation or refusal

The applicant may file an appeal against an order of refusal or revocation of a certificate of registration, to the Government within thirty days of receipt of such order.

19. Government Orders on appeal to be final

The order of Government on appeal filed under para 18 shall be final.

20. Effect of an order of refusal or revocation

(1) Where a certificate of registration has been refused under para 14 (3) or revoked under para 17 in respect of any care home for senior citizens, such care home shall cease to function from the date of such order of refusal or revocation as the case may be:

Provided that when an appeal has been filed against such order of refusal or revocation, such Home shall cease to function—

(a) in cases where the order of revocation or refusal has been upheld in appeal, from the date of the order on appeal;

(b) and where no appeal has been filed, immediately on the expiry of the thirty days of the order of refusal or revocation of certificate of registration.

(2) Where a certificate of registration in respect of a charitable home for senior citizen is revoked or refused, the competent authority may direct that the service users living in that home be restored to custody of their family members, relatives or lawful guardian.

(3) If such restoration is absolutely impossible, the service users shall be transferred to any other registered charitable homes or pay homes specified by the competent authority.

(4) It shall be mandatory to the care homes specified by the competent authority to absorb the service users who are ordered for such transfer. However in cases where there are no space for such admission, the fact will be intimated to the competent authority who will after ascertaining the actual position make alternate arrangements. Transfer of service users in such cases where alternate arrangements to be made shall be done by the District Social Justice Officer concerned, at Government cost. Wherever required, necessary assistance shall be provided by Police and Health Services Departments:

(a) where such transfer of a nonpaying service user from charitable home is ordered to a pay home, such pay home shall absorb the service user within the 10% limit of nonpaying service users.

(5) Where a certificate of registration in respect of a pay home is revoked or refused, the service provider is bound to restore its service users to family, relatives or lawful guardian. If such restoration in the case of any service user is found absolutely impossible he/she shall be transferred to other similar homes chosen by him/her and agreed by the competent authority, at the risk and cost of the service provider to whom the registration is revoked or refused.

(a) safeguards regarding the property of service users in such cases felt appropriate and ordered by the competent authority is liable to be followed by the service provider.

21. Surrender of certificate of registration

(1) Any care home whose certificate of registration is revoked, shall surrender the certificate of registration to the competent authority immediately on such revocation.

(2) In such case of withdrawal, the restoration of the service users living in that care home shall be done as per para 20 of these guidelines.

22. Closure of Charitable Homes

(1) Any organization/agency running a care home, whose governing body resolves to stop its functioning for solid reasons, may give six months' notice in writing to the competent authority apply for withdrawal of the certificate of registration, along with proposal for dealing with the existing service users.

(2) The competent authority after making necessary enquiries shall before the expiration of the said six months admit or decline the request after recording specific grounds.

(3) If admitted, procedures to deal with the existing service users will be outlined in such order, either approving or rejecting the proposal of the care home, which the applicant is liable to abide by.

(4) Liabilities outstanding if any, owing to sanctioning of boarding grant, or any other fund found recoverable from the home due to the closure shall be assessed, orders passed and process completed by the competent authority before such order for closing down is issued.

(5) Any asset and residuary income created for the purpose of a charitable home shall not be diverted to purposes other than care home or charity related purposes as approved by the competent authority.

23. Closure of pay homes

(1) The organization/agency running a Pay Home, whose governing body resolves to stop its functioning for solid reasons, may apply to the competent authority six months in advance to the proposed date of closing for withdrawal of the certificate of registration.

Such a request shall be supported by—

- (a) copy of the decision taken by the managing committee;
- (b) proposal as to how the existing service users shall be dealt with;
- (c) statement from the staff to the effect that their monetary or employment rights shall not be at risk due to the closure, and;
- (d) statement regarding the money or property if any pending with applicant for return to the service users.

(2) The competent authority after conducting such enquiries it deems necessary and after assessing the genuineness of the grounds may admit or decline the request. If permission is given to close down, the procedures to deal with its existing service users or other matters which the competent authority feels relevant shall be defined in the order of permission, which the applicant is bound to abide by.

(3) A pay home shall not be permitted to cease functioning without ensuring:—

- (a) perfect safeguard to the life and property of its service users;
- (b) that the money or property receivable by the service users are fully received back;
- (c) that the rights of employees are protected.

CHAPTER III

ADMISSION AND DISCHARGE

24. Persons eligible for admission

A. Charitable Homes.—(1) Any senior citizen who has attained the age of 60 years or above and is indigent as determined by the State Government, shall be eligible for admission to a charitable home. Indigent person for the purpose of this guideline means a person having an annual family income of less than Rupees one lakh or the income ceiling that may be fixed by Government from time to time.

(2) A senior citizen above the annual family income of Rupees One lakh left uncared by family or other responsible kin may be admitted to a charitable home, subject to the condition that the maintenance cost at such rates payable by service users of State run charitable homes fixed by Government will be recoverable from the person or from the maintenance charge that may be awarded in favour of him by the Maintenance Tribunal under MWPSA Act 2007.

(3) Ten percentage of the sanctioned strength of service users in charitable homes may be admitted on payment basis and the monthly maintenance charges so collected shall not be more than the amount fixed by Government in G. O. (Rt.) 467/15/SJD dated 29-7-2015, or the amount that may be fixed by Government from time to time.

(4) Another ten percentage of the sanctioned strength in charitable homes may be admitted with infirm persons defined in para 3 (e) on the recommendation of the care arrangement system referred in para 27 (1) b.

Explanatory note:— Those who are older in age, poorer in income and more destitute in status shall be given priority while giving admission to care homes.

B. Pay Homes.—(1) Any person who has attained the age of 60 years and above who wishes admission may be admitted to a Pay Home irrespective of income status.

(2) Ten percentage of the total sanctioned strength of service users in a pay home may be reserved to the destitute persons as in sub paras (1) under para 24.

25. The District Social Justice Officers shall keep watch for the actual coverage of 10% nonpaying service users in Pay Homes.

26. Choosing care homes by service users

(1) Every prospective service user shall be able to choose between various care homes of senior citizens, to suit his/her individual preferences at the best.

(2) A care home may offer specialized services in any particular areas like Alzheimer's/dementia cases, cognitive impairment cases, Parkinson's disease cases, cured mentally ill cases, respite cases etc., along with general cases, which ensures diversity and varied range of choice.

(a) Care home may be established to serve exclusively for men, women, widows, transgender persons or for mixed groups, as decided by the organization running the care home.

(3) *Users' Guide*.—Every home shall have an up-to-date document setting out the objectives, philosophy of care, services offered, facilities available and specialist service offered if any, terms and conditions of stay etc., and are made available free of cost to all service users and prospective service users.

(4) This users' guide provides the prospective service user information they need to make a choice about where to live. It contains among other things the following details:

- ◆ brief description of the service provided;
- ◆ individual space and common space provided;
- ◆ qualification and experience of the care giving personnel;
- ◆ maximum number of service users accommodated at a time;
- ◆ description of special needs and interests catered for;
- ◆ description of complaint procedure;
- ◆ health care and nursing facilities provided;
- ◆ details of fee or any other payment that the service users are liable to make.

(5) This user guide shall be published by the service provider in print and electronic media as well as in the web portal of the organization/care home, and official web sites of the Orphanage Control Board and the Social Justice Department, as and when proper link made available.

27. Admission procedure

(1) Admission may be made in every care home on—

(a) voluntary written request of the senior citizen with or without recommendation of any care arrangement system;

(b) or when referred for admission through any care arrangement system, i.e., Police, Officials of the Social Justice Department, Hospitals, District Magistrates, or Judicial Magistrate, Social Workers and;

(c) on the basis of the applications invited in accordance with rule 18 1(B) of the Kerala Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

(2) In cases of admission as per sub para (b) above the home obtains a written summary of the available information from the person referring for admission. The information so collected shall be kept in the file of said individual permanently for record purposes and make basis for need assessment and individual care plan.

(3) Whenever an orphaned or wandering senior citizen is admitted on the recommendation of the above mentioned care arrangement system or suo moto by the institution, the institution shall initiate due steps to ensure that the person admitted is indeed an orphan.

(4) The Care Home authority shall make all efforts to locate the relatives of the orphaned persons admitted. When such relative approaches, the person shall be released if the Home authorities are able to ensure the identity and genuineness.

(5) No admissions, either for long or short tenure shall be left without due entries in the admission documents.

(6) Any dependable documentary proof for the age of the service user shall be obtained and filed by the service provider as far as possible at the time of admission itself or latest within a period of two months from the date of admission.

(7) In case of inability to avail such a proof of age, a certificate of age or infirmity, as the case may be, from a medical officer not below the rank of a civil surgeon shall be obtained and filed.

28. Admission contract

(1) Every service user shall have a written contract or statement of terms and conditions with the care home. This document sets out:

- ◆ the space that can be occupied;
- ◆ overall care and services available;
- ◆ fee payable if any and by whom;
- ◆ rights and obligations both of service user and provider including provisions for liability fixation in case of breach.

(2) The contract is signed by the service user or named representative if he is unable to do so, and the service provider. Signed original copy of the document is retained by the service provider and duplicate copy by the service user.

(3) In the case of pay homes, copy of the admission contract shall be given to the District Social Justice Officer by the service provider, who will monitor to what extent the contract is being carried out.

29. Admissions be planned

(1) Prospective service users or their relatives shall have the opportunity to visit and assess quality, facilities and suitability of each home before admission. Staff of the Care Home will also be given opportunity to meet the prospective service user at the place wherever they live, if required.

(2) When an emergency admission is made, the care home undertakes to inform the service user within two days about the key aspects, rules, terms and conditions. As far as possible Unplanned admissions are avoided.

(3) Every admission shall be reported to the police station having jurisdiction over the place where the care home situates, along with a photograph and other relevant information relating to of the service user.

30. Discharge of service users from care homes

(1) Any discharge of a person admitted to a care home shall be made on the written request of the person or his genuine relatives. No Home shall compel a service user to remain in the care home against the will of the concerned service user.

(2) Every discharge shall be reported to the Station House Officer of the Police station having jurisdiction over the place of the care home. The discharge shall also be intimated to the person or authority on whose recommendation the admission was made.

31. Transfer of service users

(1) Any service user of a charitable home, or any service user enjoying charity benefits in a pay home may be transferred to another institution enabling him/her enjoyment of charity benefits provided that:

(a) the service user himself has requested/consented to be transferred to that particular institution, in writing, and;

(b) the governing bodies of both institutions agree mutually for each such transfer and copies of the resolution exchanged each other.

(2) Paying service users are not transferable to another home.

CHAPTER IV

PHYSICAL ENVIRONMENT AND ACCOMMODATION

32. Land and building

(1) Land for senior citizens home shall be adequate to comply with the Floor-Area Ratio (F.A.R) as prescribed by the Urban Body/State Government.

(2) Location lay out and construction of the buildings are to be eco-friendly and old-age-friendly. Those conditions provided for in the PwD Act, and the State Policy for Senior Citizens—2013 are adhered to while taking up constructions, additions and modifications. Also, norms of physical facilities laid down under Rule 18 (A) of the Kerala Maintenance and Welfare of Parents and Senior Citizens Rules—2009 shall be applicable to every construction.

(3) The building should comply with fire safety and environmental health requirements. The structural soundness of the building shall be certified by an Engineer of the Public Works Department not below the rank of Asst. Engineer, or by an Engineer of the concerned local body or a Licensed Engineer of the local body.

(4) There shall be a minimum facility to accommodate 15 service users at a time, in every care home, though not so much actual admission.

(5) Dormitories shall be with low wall, or with low cubicle type separation or with movable cloth curtains enabling maintenance of individual privacy and satisfaction of special needs.

(6) Female service users shall have separate sleeping area, toilets and bathrooms and shall be under the care of female staff only.

(7) Minimum living area/carpet area per person (i.e., including sleeping area and ancillary areas like kitchen, dining hall, recreation room etc., but excluding verandahs, corridors, stair case areas etc.) shall be 12 sq. meters (i.e. 129.12 sq. ft).

(8) An exclusive sleeping area of not less than 7.50 sq. m. (i.e. 80.7 sq.ft.) shall be available to each service user (Verandah, stair case or other common space attached to dormitories are excluded while calculating sleeping area).

(9) In addition to the sleeping area specified in sub para (8), the following spaces shall invariably be set up in every care home, with adequate size.

- (1) Separate sick rooms for male and female service users with attached toilets, medical equipments, wheel chairs etc. ;
- (2) First aid/medical examination/counseling and guidance room;
- (3) Kitchen, store room and work-area;
- (4) Dining hall with furniture;
- (5) Recreation, library and reading room;
- (6) Care givers' accommodation;

- (7) Rest room for nurses;
- (8) Visitor's room;
- (9) Rooms for administrative use;
- (10) Toilets and bathrooms;
- (11) Space for vocational trainings and therapies;
- (12) Space for washing and sunning of cloths;

(10) Not more than ten persons will be accommodated in a dormitory. Bigger dormitories may be partitioned with half walls or movable separators to suit the convenience of service users.

(11) Couples admitted shall be accommodated in couple rooms if they wish.

(12) There shall be one toilet for every 6, and 1 bathroom for every 8 service users. Bath shower facilities are provided in bathrooms. Toilets shall be close to bedrooms/dormitories and couple rooms. Both Indian and European types of closets shall be available to suit the needs of the service users.

(13) Separate sick rooms for male and female service users with attached toilet facility, medical equipments, wheel chairs etc. shall be available.

(14) There shall be sufficient indoor and outdoor space for free movement and recreation.

(15) Flooring to bathrooms and toilets shall be non-skid type to avoid possible slipping and falls.

(16) Grab rails and other aids shall be provided in corridors, bathrooms or other common spaces.

(17) Cross ventilation shall be ensured in dormitories.

33. Rent or lease agreement

The rent/lease agreement of building where the care home functions in rented or leased buildings shall cover a minimum period of five years.

(a) the care home shall endeavor to acquire own building and premises within the period of five years.

34. Sanitation and Hygiene

(1) There shall be:—

- ◆ sufficient treated drinking water and water filters;
- ◆ sufficient water for bathing and washing of cloths;
- ◆ proper drainage system;
- ◆ efficient arrangements for disposal of garbage;
- ◆ protection from mosquitoes and bed bugs;
- ◆ hand washing facilities prominently sited to suit the use of the aged;
- ◆ washing machines with specified programming ability to meet the disinfection standards;
- ◆ well lit and airy bathrooms and toilets;
- ◆ warm water bathing facility.

(2) The service provider ensures an absolute hygienic home and premises free from any odour or foul smell. Deodorants and suitable cleaning agents shall be regularly used.

(3) The building shall be properly maintained. The sanitary condition shall be got examined by Health Services authorities at least once in every year and sanitary certificate obtained by the Service provider.

(4) The buildings shall be properly maintained and safety aspects scrupulously observed.

35. Personal needs

(1) Service provider shall ensure that all the individual needs of the service users are fully met.

(2) Each service user accommodated in dormitory shall be provided with appropriate facility to keep his/her personal belongings safely. Facility to keep cloths to wash may be given outside the dormitories in order to avoid possible odour.

(3) Pillows, bed sheets, blankets, bath towels etc. are supplied adequately and got washed regularly.

(4) Enough cloths, including inner garments to suit each service user are provided.

(5) Daily change of washed up and cleaned dress shall be ensured to every service user.

(6) Hair cutting, shaving, nail cutting and similar personal needs are properly arranged by the service provider.

CHAPTER V

SERVICES

36. Need Assessment and Care Plan

(1) Service users before admission in the Home are got their full needs assessed by the trained person/counselor/psychologist in the Care Home, which is taken as the basis for individual care plan.

(2) The service users' personal care needs are fully set out in the individual care plan, which is generated from the need assessment document and summary of information obtained from the person referring for admission. This care plan document drawn up at the time of admission is subsequently reviewed and updated periodically to reflect changing needs and current objectives of health.

(3) The care arrangement document shall contain:

- ◆ tips for personal care and wellbeing
- ◆ diet and dietary preferences
- ◆ sight, hearing and communication capacity
- ◆ nutritional status
- ◆ oral health
- ◆ mobility and dexterity
- ◆ continence
- ◆ medication usage
- ◆ mental stage and cognition
- ◆ social interests, hobbies, religious and cultural needs
- ◆ personal safety and risk
- ◆ family involvement and other social contacts or relationships
- ◆ others which the assessor feels necessary

(4) The service provider before admission shall demonstrate to the prospective service user as to how far the assessed needs can be met at the Care Home.

(5) Service users shall be able to choose between homes keeping the assessed needs and the Home's capacity to meet them in view.

(6) The service provider ensures that all the assessed needs of those who are admitted in the Home are fully met. Adequate infrastructural facilities including equipments for therapies are set up to cover the special needs identified.

37. Individual History Record

An Individual History Record in respect of every service user shall be filled up at the time of admission by the counselor/psychologist of the institution in tune with need assessment and care plan documents, briefing the personal traits, notable incidents in life, important health and medical

history, plans for future etc. with the knowledge of the service user. Subsequent entries are done by the Manager with the assistance of the counselor/psychologist if needed. Due privacy and confidentiality shall be maintained on this record. The respective service user alone shall have access to this register. This record may contain, among other things the following:—

- ◆ circumstances which led to living in the care home
- ◆ details of money or other valuables entrusted with the care home for safe custody
- ◆ important incidents during stay at the Care Home, worth recording
- ◆ significant personal skills and accomplishments
- ◆ wishes concerning arrangements after death.

38. Health Care

(1) The Home ensures that health needs of the service users are given topmost priority and are fully met. The service provider ensures expert medical service whenever necessary. Service user's choice of the system of medicine shall be adopted.

(2) Health related services and medicines to the service users shall be provided from government hospitals to the extent possible.

(3) Arrangement for medical service on call is ensured to meet emergencies.

(4) Personal hygiene of every service user is carefully maintained by the service provider.

(5) Service users' personal health is monitored regularly and preventive and restorative care provided.

(6) All care giving staff shall be trained in first aid services.

(7) Oral health and hygiene of the service users shall be properly taken care of by the care givers.

(8) Service provider shall make available appropriate aids and appliances to the needy service users.

(9) Adequate nursing care shall be ensured to all service users at all times.

(10) Medicines are administered only by nurses employed in the Home. However, those who self medicate will do so on the understanding that the staff can carry out checks wherever necessary on supply, storage and expiry date, kept under the service users' control.

(11) Medicines received are appropriately stored, administered and disposed off, taking advice from doctors or pharmacists.

(12) Health record relating to each service user shall be maintained efficiently, and may be handed over to him/her at the time of discharge, retaining a copy at the care home.

(13) Regular health check up of all service users shall be arranged by the service provider at fixed intervals—not less than once in a month—in addition to other health care activities.

(14) Due preventive measures shall be adopted in case of outbreak of any contagious or infectious diseases.

(15) Continuous medical attention in chronic ill cases shall be ensured. There shall be efficient arrangements for hospitalization in all recommended cases, including bystanders. Fully functional ready ambulance facility either own or linked with suitable agencies shall be set up.

(16) Timely information shall be passed to the relatives of the service user in all cases of serious illness.

(17) Adequate number of bed pans, adult diapers, sanitary napkins, hot bags, water beds, wheel chairs, walkers etc. should be available.

39. Mental health and emotional support facility

1. Adequate mental health support shall be available to every service user. Regular service of mental health expert as well as counselor/psychologist shall be available to the needy. Stress releasing activities like yoga, meditation, community contact programmes etc. are to be ensured.

2. Health check up by geriatric health expert, services of psychologist/counselor and of an expert from the Indigenous System of Medicine shall be ensured at least once in three months.

3. Wherever possible, the services of trained counselors under the Social Justice Department as well as students of social work institutions may be utilized.

4. Services of psychology institutions, nursing schools/colleges etc. may also be made use of, wherever possible.

40. Emotional support by mentors

(1) Persons capable of providing emotional support may be selected from the community as mentors and given liberty to interact with service users as frequently as necessary.

(2) The service provider may send service users along with the mentor out of the care home occasionally for short periods of outings, to places of worship, for entertainments or for a short stay with him at his home, duly considering safety aspects.

41. Various Therapies

(1) Possibilities of various therapies may be utilized advantageously for emotional and physical developments of service users. Services of Yoga therapists may be made available and extended to all service users on regular basis. Possibilities of occupational therapies suitable in each care home situation are to be explored and made use of. Agricultural therapies, animal and bird rearing, gardening and other nature enhancement activities etc. are to be extended gainfully to the service users.

(2) Physiotherapy needs of all service users shall be adequately attended to. All care homes shall be equipped with the basic instruments for physiotherapy services.